IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 190/2006

1. Shri Shankar Yesso Fal Desai, and
his wife;

2. Smt. Ganga Shankar Fal Desai;

3. Shri Krishna Yesso Fal Desai, and his wife;

4. Smt. Mira Krishna Fal Desai,

5. Shri Ulhas Rama Fal Desai, and his wife;

6. Smt. Ujwala Ulhas Fal Desai,

7. Shri Uday Rama Fal Desai, son of
Rama Fal Desai,

8. Smt. Nayan Uday Fal Desai,

9. Shri Mahesh Rama Fal Desai,

10. Shri Bhikan Molu Fal Desai,

11. Shri Shiva Molu Fal Desai,

12. Shri Prakash Fondo Fal Desai, and his wife

13. Smt. Meenakshi Prakash Fal Desai,

14. Shri Dinesh Fondo Fal Desai and his wife;

15. Smt. Lata Dinesh Fal Desai,

16. Shri Krishna alias Pradeep Vassant
Fal Desai. ..... Petitioners.

V/s.

1. Shri Abel Almeida; and his wife

2. Smt. Patricia Almeida,
Both residents of Navo Rosa Building,
St. Domnic Road, Bandra, Mumbai.

3. Smt. Bella Almeida e D'Sa; and her son.

4. Shri Glen D'Sa; and his sister.

5. Miss Sharon D'Sa, Mumbai,

6. Fr. Roque Almeida, resident of
Victoria Church, Mahim, Mumbai.

7. Smt. Marta Gracias e Almeida,
and her husband;

8. Shri Ralph Gracias, Mumbai,

9. Smt. Delfina Almeida e Rebello,

10. Shri Ferdino Rebello, Mumbai,

11. Shri Evangelisto Francisco Almeida;
and his wife;

12. Smt. Orin Almeida, resident of
Mumbai,

13. Smt. Vatsal Yesso Fal Desai,
r/o. H.No.62, Chone, Bali,

14. Shri Pralhad Desai and his wife;

15. Smt. Mogrem Pralhad Desai,
both residents of H.No. 102, Biunsa
Cuncolim

16. Smt. Fulu Rama Fal Desai, and her son

17. Smt. Kamal Rama Fal Desai;

18. Smt. Kesar Rama Fal Desai,
resident of Chone, Bali.

19. Shri Umesh Bhikan Fal Desai,

20. Smt. Sharda Umesh Fal Desai,

21. Shri Suresh Bhikan Fal Desai; and his wife,

22. Smt. Milan Suresh Fal Desai,

23. Shri Sanjay Bhikan Fal Desai, and his wife,

24. Smt. Asha Sanjay Fal Desai, both
residents of H.No.65, Chone, Bali.

25. Smt. Shali Bhikan Fal Desai,

26. Smt. Nirmal Bhikan Fal Desai,
both residents of H.No.65,
Chone Bali.

27. Smt. Baby Fondo Fal Desai,

28. Smt. Pushpa Fondo Fal Desai,

29. Smt. Yamun Fondo Fal Desai,

30. Seema Fondo Fal Desai,
all residents of H.No. 76, Chone Bali.

31. Smt. Saraswati Vasant Fal Desai,

32. Smt. Kumud Krishna Fal Desai,

33. Smt. Nita Vassant Fal Desai,

34. Smt. Tulshi Vassant Fal Desai,
all residents of House No.37,
Bendurem.

35. Comunidade of Bali,
represented through its Attorney
through the Administrator of
Comunidades, South Zone,

Margao, Goa.

36. Smt. Shevanti Shiva Fal Desai,
major of age, housewife, resident of
House No.72, Chone Bali. ..... Respondents.

Ms. Rakhi M. Chodankar, Advocate for the petitioners.

Mr. M. S. Usgaonkar, Senior Advocate with Mr. Sudesh Usgaonkar, Advocate for the respondents No. 3 to 9, 11 and 12.

Mr. M. S. Sonak, Advocate for the respondent No.10.

CORAM : S.A. BOBDE, J.

DATE : APRIL 5, 2007.

ORAL JUDGMENT :

Rule, returnable forthwith. Heard by consent.

2. After hearing the matter for sometime, the following order is passed by consent :

(i) The plaintiffs seek permission to delete paragraphs 17 and 18 of the plaint containing averments that the defendants' names have been wrongly recorded as tenants, as also the prayer clause (c).

(ii) Hence, the learned Counsel for the defendants-petitioners seeks a consequential deletion of paragraph 19 of the written statement.

(iii) The petitioners-defendants and the respondents-plaintiffs are allowed to delete the aforesaid paragraphs and the prayer clause (c).

(iv) This shall, however, not prevent any party to the suit from applying to the appropriate forum for correction of entries in the survey records.

(v) In the circumstances, no issue of tenancy arises in the suit and the petition is disposed of without any further orders.

The parties shall carry out the amendment to their respective pleadings in the trial Court within a period of 15 days from today.

S.A. BOBDE, J.

ssm.